

Notice of Allowability

Application No.

09/589,799

Examiner

Haresh Patel

Applicant(s)

BAWEJA ET AL.

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/27/06.
2. ☒ The allowed claim(s) is/are 1,3-7,9-12 and 14-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 08/30/06.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

DETAILED ACTION

1. Claims 1, 3-7, 9-12 and 14-17 are subject to examination. Claims 2, 8 and 13 are cancelled.
2. The BPAI decision dated 8/24/2006 is acknowledged. The claims have been amended to overcome 35 U. S. C. 101 rejections and to be consistent with the BPAI decision (please see below amendments to the claims).

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
4. Authorization for this examiner's amendment was given in a telephone interview with Mr. J. B. Kraft on August 30, 2006.

Amendment to the Claims

5. Please amend claims 1, 7, 12 and 14-17 as shown below.

Claim 1 (currently amended): A workload balancing system for distributing data processing transactions into a plurality of messages and for dynamically allocating each of said plurality of messages to different computer systems for performance comprising:
means for requesting the performance of a data processing transaction;

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a server computer for said distributing said transaction into ~~a plurality of~~ messages and dynamically allocating said messages to said different computer systems; and

a server queue associated with said server computer for storing ~~the plurality of~~ said messages from the distributed transaction; and

user interactive display means for interactively displaying said server queue of the allocated messages and associated said different computer systems.

Claim 7 (currently amended): A method for distributing data processing transactions into a plurality of messages and for dynamically allocating each of said plurality of messages to different computer systems for performance comprising:

requesting the performance of a data processing transaction;

distributing said transaction into ~~a plurality of~~ messages and dynamically allocating said messages to said different computer systems by a server computer; and

storing ~~the plurality of~~ said messages from the distributed transaction in a server queue associated with said server computer; and

interactively displaying said ~~stored plurality~~ server queue of the allocated messages and said different computer systems.

Claim 12 (currently amended): A computer storage medium having a computer program ~~having program code included on a computer readable medium~~ for workload balancing of distributed data processing transactions into a plurality of messages and to dynamically allocate each of said plurality of messages to different computer systems for performance, comprising:

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means for requesting the performance of a data processing transaction;

means for said distributing said transaction into ~~a plurality of~~ messages and dynamically allocating said messages to said different computer systems;

server queue means for storing ~~the plurality of~~ said messages from the distributed transaction; and

user interactive display means for interactively displaying said server queue of the allocated messages and associated said different computer systems.

Claim 14 (currently amended): The computer storage medium ~~program~~ of claim 12 wherein each of said different computer systems has an associated queue for storing messages allocated to each respective computer system.

Claim 15 (currently amended): The computer storage medium ~~program~~ of claim 14 further including means for reallocating to other computer systems, messages initially allocated to said one computer system.

Claim 16 (currently amended): The computer storage medium ~~program~~ of claim 15 further including user interactive means for displaying said reallocated messages and computer systems to which said messages are reallocated.

Claim 17 (currently amended): The computer storage medium ~~program~~ of claim 12 wherein said means for requesting the performance of a data processing transaction and said user

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interactive display means for displaying said allocated messages and computer systems are in a user interactive display computer.

Allowable Subject Matter

6. Claims 1, 3-7, 9-12 and 14-17 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

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August 30, 2006

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